

REMARKS

In the Office Action of April 21, 2008, the Examiner rejected claims 1, 5, 8-10, 13, 16, 19-23, 24-28, 31, 33-35, 37 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Dorenbosch et al. in view of H'mimy et al. and newly-cited reference US Patent No. 6,201,976 (Rasanen). And, claims 6, 17, 24, 29, 32, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dorenbosch et al. in view of H'mimy et al., Rasanen, and Boudreaux.

In his rejection, the Examiner acknowledges that the combination of Dorenbosch and H'mimy fails to disclose the limitations found in, for example, claim 1, wherein the characteristics of the second channel do not meet the service criteria and a step of adapting the service through the characteristics of the second channel. The Examiner asserts that these features are found in the Rasanen reference; in particular, at column 2, lines 10-25. The Applicants respectfully disagree.

The specific language found in claim 1 reads “wherein said characteristics of said second channel do not meet said service criteria; adapting said service to said characteristics of said second channel.

As described in, for example, paragraph [0027] of the specification, an active service operating over the first connection between the mobile device and a remote point may be adapted when it is found that a second channel cannot support the service criteria associated with the pre-established active service. By adapting the service to the characteristics of the second channel, the service is permitted to continue operating despite the transfer of the service from the first channel to the second channel. As also described in paragraph [0027], an example adaptation may include changing the codec used with regard to the service. In another example, a service involving two or more media streams, such as

audio and video, may be adapted by dropping one of the media streams, such as the video, and transmitting the remaining media streams only. Other modifications or adaptations to the service to ensure continued operation of the service over a channel having characteristics insufficient to support the original service will be appreciated.

The Rasanen reference cited by the Examiner, in contrast, describes an inter-working function for interfacing a mobile network with a fixed network, such as an ISDN or PSTN. In some instances, the data rate of the fixed network is higher or lower than the data rate of the mobile network. As noted in column 2, at lines 32-40, if the data rate of the fixed network is lower than the data rate of the mobile network, the extra radio channel capacity is released and the channel coding used in the traffic channel over the mobile network is selected so as to conform to the data rate of fixed network to ensure that a constant end-to-end data rate is used for transparent services. If the data rate in the fixed network is higher than the data rate in the mobile network, data buffering and flow control may be used in a non-transparent call. For those instances in which a constant end-to-end data rate is necessary, the call is refused during call set-up, as described in column 2, lines 41-59. Rasanen's invention relates to the use of flow control to ensure a data buffer is not overflowed, as described in column 9, lines 1-37.

Rasanen does not suggest that the service established between a mobile device and a remote point is to be adapted to the characteristics of either the mobile network traffic channel or the fixed network traffic channel. The service operating over these channels remains the same. Rasanen simply describes an inter-working function within the network for ensuring that differing data rates over the channel do not result in lost data or unused resources. In other words, the service operates the same irrespective of whether the fixed network data rate exceeds the mobile network data rate or not. If the fixed network data rate exceeds mobile network data rate, buffering and flow control ensures that no data is lost and that the service operates exactly as intended. It should be apparent that the service

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operating over the channel is not adapted or modified. Rather, it is the operation of the fixed or wireless channel itself that is buffered or modified.

For these same reasons, independent claims 10, 21, and 26 are also believed to be distinguishable over the combination of Dorenbosch, H'mimy, and Rasanan.

Boudreaux, cited merely for disclosing a latency requirement, also fails to disclose the structure and methodology recited in the independent claims, as now-presented. And, therefore, no combination including this additional reference can be made to form the recited invention.

The remaining dependent claims, which include all of the limitations of their respective parent claims, are also believed to be distinguishable over the cited combinations for the same reasons as those given with respect to their parent claims.

In light of the foregoing, therefore, reexamination and reconsideration of independent claims 1, 10, 21, and 26 and the dependent claims dependent thereon is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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